

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/602,412
Attorney Docket No. A8492

REMARKS

Introduction

In the Office Action, pending claims 1-36 have been examined and are rejected. By way of overview, Applicant overcomes the § 112, Second Paragraph, rejection of claim 1 and traverses the art rejections of claims 1-36 as follows.

35 U.S.C. § 112, Second Paragraph Rejections

Claim 1 stands rejected under § 112, Second Paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully disagrees with the Examiner's position that claim 1 is indefinite and submits that a person of ordinary skill in the art would understand the scope of the invention. However, Applicant amends claim 1 (*see also* claims 13 and 25) to remove the language that the Examiner found objectionable, thereby obviating the Examiner's rejection of claim 1 under § 112, Second Paragraph. Applicant respectfully submits that these amendments are not intended to narrow the scope of the original claims, but are rather for precision of language and to explicitly recite within the claim what was believed to have already been implicitly defined therein. Accordingly, these amendments do not foreclose application of reasonable equivalents.

35 U.S.C. § 102(e) Rejections

Claims 1-2, 4, 7, 13-14, 16, 19, 25-26, 27 and 31 stand rejected under § 102(e) as allegedly being anticipated by Hon et al., U.S. Patent No. 6,185,608 (hereinafter "Hon").

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Applicant amends claim 1 to recite "automatically managing the cached web page and the referenced objects to ensure the display of a complete web page" (*see also* claims 13 and 25). Applicant respectfully submits that these amendments are not intended to narrow the scope of the original claims, but are rather for precision of language and to explicitly recite within the claim what was believed to have already been implicitly defined therein. Accordingly, these amendments do not foreclose application of reasonable equivalents.

Hon, however, does not teach or suggest managing a web page stored in a cache and objects referenced by the web page. Hon relates to converting data into a transmissible form, such as HTML, storing it in a cache and ensuring that the cached converted data remains consistent with the stored data from which it was converted.

Hon describes that data stored in data storage connected to a server is converted into a transmissible form, such as HTML, for display on a client machine (Hon: col. 3, lines 21-40). A cache on the server stores one or more copies of the transformed data in transmissible form (*Id.*). When a data request is received by the server, the cache is checked for a copy of the requested data before the data converter is activated, and if present is supplied for transmission (*Id.*). Furthermore, the data storage notifies the server when the data stored therein changes (*Id.*). Thereafter, copies of cached converted data that are affected by the changes to the stored data are purged from the cache (*Id.*).

A problem of incomplete web pages being displayed arises, for example, when separate objects that are referenced by a web page are not managed with the cached web page. As noted

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in the Specification, by managing the contents of a web page system cache and a large object cache in a coordinated fashion (*e.g.*, by recognizing the dependencies, if any, between stored large objects and cached web pages), the system can guarantee the completeness of any cached web pages that are displayed at a browser (*see, e.g.*, Specification: page 4, lines 8-14; and page 12, lines 22-28).

As noted above, in Hon, the data stored in the data storage is data that is converted into a transmissible form and then cached (Hon: col. 3, lines 23-27; and Fig. 1). Hon does not disclose or suggest that this cached converted data references other objects or the data stored in the data storage from which it was converted. Consequently, Hon fails to disclose or suggest the features of "automatically managing the cached web page and the referenced objects to ensure the display of a complete web page", as recited in claim 1 (*see also* claims 13 and 25).

In view of the above, claims 1, 13 and 25 are not anticipated by Hon. Consequently, claims 2, 4, 7, 14, 16, 19, 26-27 and 31 are not anticipated by Hon at least by virtue of their dependency.

35 U.S.C. § 103(a) Rejections

Claims 3, 15 and 27 stand rejected under § 103(a) as allegedly being unpatentable over Hon in view of Mattis et al., U.S. Patent No. 6,209,003 (hereinafter "Mattis"). Claims 5-6, 8-10, 17-18, 20-22, 29-30 and 32-34 stand rejected under § 103(a) as allegedly being unpatentable over Hon in view of Chamberlain et al., U.S. Patent No. 6,408,360 (hereinafter "Chamberlain"). Claims 11-12, 23-24 and 35-36 stand rejected under § 103(a) as allegedly being unpatentable

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over Hon in view of Chamberlain, as applied to claims 8-9, 20-21 and 32-33, and further in view of Arnold, U.S. Patent No. 6,275,848 (hereinafter "Arnold").

According to 35 U.S.C. § 103(c), subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Because the present application was filed after November 29, 1999 and the Hon reference and each of the secondary references qualifies as prior art only under 35 U.S.C. § 102(e), if at all, the provisions of 35 U.S.C. § 103(c) apply. Thus, Applicant respectfully submits that:

Upon information and belief, the present Application and U.S. Patent No. 6,185,608 issued to Hon et al. were, at the time the invention of the Application was made, owned by International Business Machines Corporation.

Upon information and belief, the present Application and U.S. Patent No. 6,408,360 issued to Chamberlain et al. were, at the time the invention of the Application was made, owned by International Business Machines Corporation.

Upon information and belief, the present Application and U.S. Patent No. 6,275,848 issued to Arnold were, at the time the invention of the Application was made, owned by International Business Machines Corporation.

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Consequently, U.S. Patent Nos. 6,185,608; 6,408,360; and 6,275,848 are disqualified from being used in a rejection under 35 U.S.C. § 103(a) against the claims of the Application. *See, e.g.*, MPEP § 706.02(l)(2)(II).

New Claims 37-39

Applicant adds new claim 37, which recites that "at least one of the referenced objects is not stored in said cache" (*see also* claims 38 and 39). New claims 37-39 are patentable at least by virtue of their dependency.

Formal Matters

A. Specification

Applicant amends the Specification to correct the typographical error on page 2 of the Specification, as identified by the Examiner.

Furthermore, Applicant amends the Specification to further identify various trademarks used in the disclosure, as required by the Examiner.

B. Claims

Applicant makes a cosmetic amendment to claim 23 by adding a period at the end thereof.

Furthermore, claim 28 was not rejected by the Examiner under any of the cited references. Consequently, Applicant respectfully requests that the Examiner acknowledge that claim 28 contains allowable subject matter.

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C. Drawings

The Examiner indicates acceptance of the drawings filed on September 25, 2000.

D. Priority

The Examiner acknowledges Applicant's claim for domestic priority under 35 U.S.C. § 119(e).

E. Cited References

The Examiner provides a signed and initialed copy of the Form PTO-1449 (modified) submitted with the IDS filed on August 25, 2000, thereby acknowledging receipt and consideration of the references cited therein.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.